

tion 312b and 312c of this title, amending this section, and enacting provisions set out as notes under this section and section 301 of this title] or any other provision of law, and under regulations prescribed by the Secretary of the Navy, an officer of the naval service who, on or after the effective date of this Act [see Effective Date of 1976 Amendment above], is, or will be, performing obligated service as the result of an active service agreement executed in accordance with section 312 of title 37, United States Code as it existed at any time before the effective date of this Act, may be permitted—

“(1) as of the last day of the first year of that obligated service, to cancel that active service agreement in exchange for a new active service agreement in accordance with section 312 of title 37, as amended by this Act; or

“(2) as of the last day of any year, other than the last year, of that obligated service, to cancel that active service agreement in exchange for eligibility for the annual bonus authorized by section 312c of title 37, as added by this Act, and an agreement to remain on active duty for a period of time equal to the period of obligated service remaining under that active service agreement”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 312c of this title.

§ 312a. Special pay: nuclear-trained and qualified enlisted members

(a) Under regulations prescribed by the Secretary of Defense, an enlisted member of the naval service who—

(1) is entitled to basic pay;

(2) is currently qualified for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants; and

(3) has completed at least six, but not more than ten, years of active duty and executes, when eligible, a reenlistment agreement for not less than two years;

may upon acceptance of the reenlistment agreement by the Secretary of the Navy or his designee, be paid a bonus not to exceed six months of the basic pay to which he was entitled at the time of his discharge or release, multiplied by the number of years or the monthly fractions thereof of additional obligated service, not to exceed six years, or \$15,000, whichever is the lesser amount.

(b) Bonus payments authorized under this section may be paid in either a lump sum or in installments.

(c) An amount paid to a member under subsection (a) is in addition to all other compensation to which he is entitled and does not count against the limitation prescribed by section 308(a) of this title concerning the total amount of reenlistment bonus that may be paid.

(d) Under regulations prescribed by the Secretary of the Navy, refunds, on a pro rata basis, of sums paid under subsection (a) may be required, and further payments terminated, if the member who has received the payment fails to complete his reenlistment contract or fails to maintain his technical qualification for duty in connection with supervision, operation, and maintenance of naval nuclear propulsion plants.

(e) Provisions of this section shall be effective only in the cases of members who, on or before

June 30, 1975, execute the required written agreement to remain in active service.

(Added Pub. L. 92-581, §1(3), Oct. 27, 1972, 86 Stat. 1277; amended Pub. L. 97-295, §3(3), Oct. 12, 1982, 96 Stat. 1303; Pub. L. 102-25, title VII, §702(b)(1), (c), Apr. 6, 1991, 105 Stat. 117.)

HISTORICAL AND REVISION NOTES

1982 ACT

This amends 37:312a(c) to reflect the amendment made to 37:308 by section 2 of the Armed Forces Enlisted Personnel Bonus Revision Act of 1974 (Pub. L. 93-277, May 10, 1974, 88 Stat. 119).

AMENDMENTS

1991—Subsecs. (c), (d). Pub. L. 102-25 struck out “of this section” after “subsection (a)”.

1982—Subsec. (c). Pub. L. 97-295 substituted “section 308(a)” for “section 308(c)” and struck out provision that a member receiving payment under this section is not entitled to any further payments under section 308(g) of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 308 of this title.

§ 312b. Special pay: nuclear career accession bonus

(a)(1) Under regulations prescribed by the Secretary of the Navy, an individual who is selected for officer naval nuclear power training and who executes a written agreement to participate in a program of training for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants may be paid a bonus not to exceed \$10,000 upon acceptance by the Secretary of the written agreement. Upon acceptance of the agreement by the Secretary, the amounts payable upon selection for training and upon completion of training, respectively, as determined under subsection (b), shall become fixed.

(2) Under such regulations, and subject to such exceptions, as the Secretary of the Navy may prescribe, an individual who has entered into an agreement with the Secretary under this subsection, who has been paid a bonus under this subsection, and who fails to commence or satisfactorily complete the nuclear power training specified in the agreement shall be required to refund such bonus.

(b) The Secretary of the Navy shall determine annually the total amount of the bonus to be paid under this section and of that amount the portions that are to be paid—

(1) upon selection for officer naval nuclear power training; and

(2) upon successful completion, as a commissioned officer, of training for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants.

(c) The provisions of this section shall be effective only in the case of officers who, on or before December 31, 1999, have been accepted for training for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants.

(Added Pub. L. 94-356, §3, July 12, 1976, 90 Stat. 901; amended Pub. L. 96-579, §2(b), Dec. 23, 1980,

94 Stat. 3359; Pub. L. 97-60, title I, § 119, Oct. 14, 1981, 95 Stat. 997; Pub. L. 99-145, title VI, § 632(b), title XIII, § 1303(b)(4), Nov. 8, 1985, 99 Stat. 644, 740; Pub. L. 101-189, div. A, title VI, § 614(b), Nov. 29, 1989, 103 Stat. 1446; Pub. L. 101-510, div. A, title XIII, § 1322(c)(7), Nov. 5, 1990, 104 Stat. 1672; Pub. L. 102-25, title VII, § 702(b)(1), (c), Apr. 6, 1991, 105 Stat. 117; Pub. L. 103-337, div. A, title VI, § 613(h), Oct. 5, 1994, 108 Stat. 2784; Pub. L. 104-106, div. A, title VI, § 613(f), Feb. 10, 1996, 110 Stat. 360; Pub. L. 104-201, div. A, title VI, § 613(e), Sept. 23, 1996, 110 Stat. 2544; Pub. L. 105-85, div. A, title VI, §§ 613(e), 624(b), Nov. 18, 1997, 111 Stat. 1786, 1793; Pub. L. 105-261, div. A, title VI, § 613(e), Oct. 17, 1998, 112 Stat. 2039.)

AMENDMENTS

1998—Subsec. (c). Pub. L. 105-261 substituted “December 31, 1999” for “September 30, 1999”.

1997—Subsec. (a)(1). Pub. L. 105-85, § 624(b), substituted “\$10,000” for “\$8,000”.

Subsec. (c). Pub. L. 105-85, § 613(e), substituted “September 30, 1999” for “September 30, 1998”.

1996—Subsec. (c). Pub. L. 104-201 substituted “September 30, 1998” for “September 30, 1997”.

Pub. L. 104-106 substituted “September 30, 1997” for “September 30, 1996”.

1994—Subsec. (c). Pub. L. 103-337 substituted “September 30, 1996” for “September 30, 1995”.

1991—Subsec. (a)(1). Pub. L. 102-25 struck out “of this section” after “subsection (b)”.

1990—Subsecs. (c), (d). Pub. L. 101-510 redesignated subsec. (d) as (c) and struck out former subsec. (c) which read as follows: “The Secretary of the Navy shall submit to the Committees on Armed Services of the Senate and House of Representatives an annual report containing data to monitor the effectiveness of the bonus authorized by subsections (a) and (b) of this section.”

1989—Subsec. (d). Pub. L. 101-189 substituted “September 30, 1995” for “September 30, 1990”.

1985—Subsec. (a)(1). Pub. L. 99-145, § 632(b)(1), substituted “not to exceed \$8,000” for “of \$3,000”, and inserted provision that upon acceptance of the agreement by the Secretary, the amounts payable upon selection for training and upon completion of training, respectively, as determined under subsection (b) of this section, shall become fixed.

Subsec. (b). Pub. L. 99-145, § 632(b)(2), amended subsec. (b) generally. Prior to amendment, subsec. (b) read as follows: “Under regulations prescribed by the Secretary of the Navy, an officer of the naval service who—

“(1) is entitled to basic pay;

“(2) has not completed five years of commissioned service; and

“(3) has, as a commissioned officer, received training for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants;

may, upon successful completion of that training, in addition to all other compensation to which he is entitled, be paid a bonus in an amount not to exceed \$3,000.”

Subsec. (c). Pub. L. 99-145, § 1303(b)(4), substituted “submit to the Committees on Armed Services of the Senate and House of Representatives an annual report” for “make an annual report to the House and Senate Armed Services Committees”.

Subsec. (d). Pub. L. 99-145, § 632(b)(3), substituted “September 30, 1990” for “September 30, 1987”.

1981—Subsec. (a)(1). Pub. L. 97-60 substituted “naval nuclear propulsion plants” for “naval nuclear submarine propulsion plants”.

1980—Subsec. (a). Pub. L. 96-579, § 2(b)(1)(B), added subsec. (a). Former subsec. (a) redesignated (b).

Subsec. (b). Pub. L. 96-579, § 2(b)(1)(A), redesignated former subsec. (a) as (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 96-579, § 2(b)(1)(A), (2), redesignated former subsec. (b) as (c) and inserted reference to the bonus authorized by subsec. (b) of this section. Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 96-579, § 2(b)(1)(A), (3), redesignated former subsec. (c) as (d) and substituted “September 30, 1987” for “September 30, 1981”.

EFFECTIVE DATE OF 1997 AMENDMENT

Amendment by section 624(b) of Pub. L. 105-85 effective Oct. 1, 1997, and applicable with respect to agreements accepted under subsec. (a) of this section on or after Oct. 1, 1997, see section 624(d) of Pub. L. 105-85, set out as a note under section 312 of this title.

EFFECTIVE DATE OF 1985 AMENDMENT

Amendment by Pub. L. 99-145 effective Oct. 1, 1985, see section 632(d) of Pub. L. 99-145, set out as a note under section 312 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Section 2(d)(2) of Pub. L. 96-579 provided: “The amendments made by subsection (b)(1) [amending this section] shall apply only with respect to agreements executed under section 312b(a) of title 37, United States Code, executed on or after the first day of the first month following the month in which this section is enacted [December 1980].”

EFFECTIVE DATE

Section effective Aug. 1, 1976, see section 5 of Pub. L. 94-356, set out as an Effective Date of 1976 Amendment note under section 312 of this title.

§ 312c. Special pay: nuclear career annual incentive bonus

(a)(1) Under regulations prescribed by the Secretary of the Navy, an officer of the naval service who—

(A) is entitled to basic pay;

(B) is not above the pay grade O-6;

(C) has completed his initial obligated active service as an officer;

(D) has, as a commissioned officer, successfully completed training for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants; and

(E) has the current technical qualifications for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants;

may, in addition to all other compensation to which he is entitled, be paid an annual bonus in an amount not to exceed \$12,000 for each nuclear service year.

(2) In order to be eligible for an annual bonus for any nuclear service year in accordance with this subsection, an otherwise technically qualified officer must have been on active duty on the last day of that nuclear service year.

(3) The amount of the annual bonus to which an officer would otherwise be entitled for a nuclear service year in accordance with this subsection shall be reduced on a pro rata basis for each day of that nuclear service year on which he—

(A) was not on active duty;

(B) was not technically qualified for duty in connection with the supervision, operation, and maintenance of naval nuclear propulsion plants;